

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ELVIS MOTA

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.
-----X

ORDER DIRECTING PAYMENT
OF FEE OR IFP APPLICATION &
PRISONER AUTHORIZATION

10 Civ. 9623 (LAP)

LORETTA A. PRESKA, Chief United States District Judge:

Plaintiff brings this *pro se* action. The Court directs Plaintiff to pay the \$350.00 filing fee or submit a completed Request to Proceed *In Forma Pauperis* (“IFP”) application and a Prisoner Authorization form within thirty (30) days of the date of this Order as detailed below.

In order to proceed with a civil action in this Court, Plaintiff must pay the \$350.00 filing fee or ask the Court to waive the fee by requesting to proceed *in forma pauperis* with a signed IFP application. See 28 U.S.C. §§ 1914, 1915. Because Plaintiff is a prisoner seeking to file a complaint *in forma pauperis*, Plaintiff is also subject to the provisions of the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. § 1915(b)(1), (2). The PLRA requires the Court to collect the full filing fee from Plaintiff’s prison account. See 28 U.S.C. § 1915(b)(1).

Plaintiff submitted his Complaint without payment of the Court’s \$350.00 filing fee or an IFP application and Prisoner Authorization form.¹ Therefore, Plaintiff is directed to pay the \$350.00 filing fee or, in the alternative, to submit a completed IFP application and Prisoner Authorization form to the Court within thirty (30) days of the date of this Order. If Plaintiff

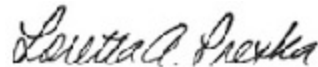
¹ The Prisoner Authorization form directs the facility at which Plaintiff is incarcerated to deduct the filing fee from Plaintiff’s prison account in installments and to send to this Court certified copies of Plaintiff’s prison account statements for the past six months. 28 U.S.C. § 1915(a)(2), (b).

submits the IFP application and Prisoner Authorization form, they must bear the same docket number as this Order.²

The Clerk of Court is directed to assign this matter to my docket. No summons shall issue at this time. If Plaintiff complies with this Order, if proper, the case shall be reassigned to a district judge in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this Order within the time allowed, the action will be dismissed.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED:



LORETTA A. PRESKA
Chief United States District Judge

Dated: January 7, 2011
New York, New York

² For Plaintiff's convenience, an IFP application and a Prisoner Authorization form are attached.